REMARKS

Claims 1, 3-9, 12-16, 18-23, 25-27, 30, 31, 33 and 34 are currently pending in the subject application, and are presently under consideration. Claims 1, 3-9, 12-16, 18-23, 25-27, 30, 31, 33 and 34 are rejected. Favorable reconsideration of the application is requested in view of the comments herein.

I.   The Finality of the Office Action Should be Withdrawn

In the present Office Action, the Examiner has failed to reply to arguments offered by Applicant's representative in the response filed on November 27, 2007, hereinafter referred to as the "previous response." Instead, the Examiner appears to repeat the arguments made in the previous Office Action issued on August 30, 2007 without further comments. In particular, the Examiner has failed to withdraw objections and rejections that were either made in error, or are overcome in light of amendments to the claims. Thus, Applicant's representative respectfully requests that the Examiner withdrawal the Finality of the Office Action.

II.   Objection to Claim 30 for Informalities

Claim 30 is objected to for informalities. Claim 30 was amended in the previous response to recite the exact language that the Examiner is currently suggesting. Thus, clearly, the objection to claim 30 should be withdrawn.

III.   Rejection of Claims 1-9, 12-15, 26-27 and 31-34 Under 35 U.S.C. §101

Claims 1-9, 12-15, 26-27 and 31-34 stand rejected under 35 U.S.C. §101 because the claimed invention is preemptive.

In the Office Action, the Examiner has failed to respond to the arguments made by Applicant's representative regarding claims 1, 3-9, 12-15, 26-27, 31 and 33-34 in the previous response. As an example, the Examiner does not appear to acknowledge that claims 2, and 32 were incorporated into claims 1 and 31 in the previous response and canceled (See e.g., Office Action, Page 4). Accordingly, the arguments made in the previous response will be reiterated.

Claims 1, 3-9, 12-15, 31 and 33-34 are not preemptive. Independent claims 1 and 31 recite a processor that executes computer executable instructions, and that stored computer executable instructions are stored on a computer readable medium. Applicant's representative respectfully submits that the holding by the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") in *In re Warmerdam*, supports the patentability of claims 1, 3-9, 12-15, 31 and 33-34. 33 F.3d 1354, 31 U.S.P.Q.2d 1754 (Fed. Cir. 1994).

Specifically, in *Warmerdam*, the Federal Circuit held claims 1-4 of the appellant's application (which were method claims) to be nonstatutory. 33 F.3d 1354, 1360, 31 U.S.P.Q.2d 1754. However, in *Warmerdam*, claim 5 of the appellant's application recited a machine having a memory which contains data representing a bubble hierarchy generated by a method of any of the claims 1-4 of the appellant's application. 33 F.3d 1354, 1358, 31 U.S.P.Q.2d 1754. The Federal Circuit held that claim 5 of the appellant's application was for a machine, and was clearly patentable subject matter. 33 F.3d 1354, 1360, 31 U.S.P.Q.2d 1754. Applicant's representative respectfully submits that claims 1 and 31 of the present application are analogous to claim 5 of the application considered in *Warmerdam*. That is, claims 1 and 31 are system claims, which should be categorized as machines having executable algorithms for transforming parameters associated with a structured argument.

Moreover, in rejecting the claims (particularly independent claims 1 and 31), the Examiner contends that the claims clearly preempt the application of editing and displaying arguments in any conceivable language or representation of language for any conceivable subject

displayed or edited in any conceivable way by a computer system (See Office Action, Page 4).
However, the Examiner cited no legal authority to support this finding. In considering the issue
of preemption, the Federal Circuit cited a legal test known as the Freeman-Walter-Abele test.
Arrhythmia Research Tech., Inc. v. Corazonix Corp. 958, F.2d 1053, 1058, 22 U.S.P.Q.2d 1033
(Fed. Cir. 1992). In *Arrhythmia*, the Federal circuit held that the test for patentability (under 35
U.S.C. §101) requires no more than an algorithm be applied in any manner to physical elements
or process steps, provided that its application is circumscribed by more than a field of use
limitation or non-essential post-solution activity. *Id.*

Applicant's representative respectfully submits that claims 1 and 31 (substantially) recite
a user interface that graphically displays a plurality of parameters to a user accessible display and
receives input from a user defining a value of a selected parameter, wherein the plurality of
parameters comprises a respective confidence value for a plurality of hypotheses. Applicant's
representative respectfully submits that the recited confidence value can be used by a user to
make decisions related to the recited hypotheses (e.g., application in military and defense,
industrial processes, design work, research, and corporate management, etc.). Therefore,
claims 1 and 31 are related to arguments applied in to physical elements, namely, a user interface
that displays a plurality of parameters. Thus, Applicant's representative respectfully submits that
independent claims 1 and 31, as well as claims 2-9, 12-15 and 32-34 depending therefrom, are
directed to statutory subject matter.

Claim 26 recites means for storing a structured argument, means for processing
executable instructions and accessing the means for storing and means for graphically displaying
a plurality of parameters, each having an associated value, the means for displaying comprising
means for scaling a displayed argument model to a desired size. Applicant's representative
respectfully submits that claim 26 recites patentable subject matter for reasons similar to claims 1
and 31, since claim 26 recites means for graphically displaying a plurality of parameters, each
having an associated value. Therefore, claim 26, as well as claim 27 depending therefrom is
directed to statutory subject matter.

For the reasons described above, claims 1, 3-9, 12-15, 26-27, 31 and 33-34 should overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

IV.   Rejection of Claim 30 Under 35 U.S.C. §101

Claim 30 stands rejected under 35 U.S.C. §101 because the claimed invention is preemptive.

Similarly to claims 1 and 26, claim 30 recites a user interface that graphically displays a plurality of parameters comprising confidence values for a plurality of hypotheses. As stated above, a user interface that displays a plurality of parameters (comprising confidence values) constitutes patentable subject matter. Thus, claim 30 is directed to statutory subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

V.   Rejection of Claims 1-9, 12-15, 26-27 and 31-34 Under 35 U.S.C. §101

Claims 1-9, 12-15, 26-27 and 31-34 stand rejected under 35 U.S.C. §101 because the claimed invention lacks utility.

As noted above, claims 2 and 32 were incorporated into claims 1 and 31 in the previous response. Moreover, once again, the Examiner has failed to respond to Applicant's arguments regarding claims 1, 3-9, 12-15, 26-27, 31 and 33-34 made in the previous response. Accordingly, the arguments will be reiterated.

In rejecting claims 1, 3-9, 12-15, 26-27, 31 and 33-34, the Examiner argues that the Specification of the Application fails to disclose what specific and substantial areas of government policy the invention is useful, as well as how it is useful. Applicant's representative respectfully disagrees. FIG. 4 of the Application clearly shows a very specific example of the present invention being implemented. In particular, FIG. 4 illustrates the present invention being used to analyze a hypothesis of whether or not North Korea is receiving long range missile assistance from Russia. Applicant's representative respectfully submits that one of ordinary skill would immediately appreciate the importance of a confidence value related to such a hypothesis. Such a confidence value could, for instance be used by a governmental official (e.g., the

Secretary of Defense) to decide what course of action should be taken (e.g., change diplomatic strategies). Therefore, the present Application clearly discloses a specific utility for the claimed invention. Thus, claims 1, 3-9, 12-15, 26-27, 31 and 33-34 do not lack utility. Accordingly, withdrawal of this rejection is respectfully requested.

VI.   **Rejection of Claim 30 Under 35 U.S.C. §101**

Claim 30 stands rejected under 35 U.S.C. §101 because the claimed invention lacks utility.

In rejecting claim 30, the Examiner states that claim 30 is lacking utility in the same way that claims 1, 26 and 31 lack utility. As stated above with respect to claims 1, 26 and 31, FIG. 4 of the present Application clearly illustrates a specific implementation for the present invention. Thus, claim 30 does not lack utility as contended by the Examiner. Accordingly, withdrawal of this rejection is respectfully requested.

VII.   **Rejection of Claims 16, 18-23 and 25 Under 35 U.S.C. §101**

Claims 16, 18-23 and 25 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory material: a mathematical abstraction.

The Examiner failed to respond to Applicant's representative arguments regarding claims 16, 18-23 and 25 made in the previous response. Accordingly, the arguments will be reiterated. The Examiner states the result of stored executable instructions recited in claim 16 (from which claims 18-23 and 25 depend) is a mathematical abstraction (See Office Action, Page 7). Applicant's representative respectfully disagrees. As stated above, claim 16 recites altering a display of a confidence value of a hypothesis of interest in real time to match an updated confidence value in response to each modification of a parameter. A confidence value (which is altered in claim 16) is not a mathematical abstraction. Instead, the confidence value represents real world results for a given hypothesis, such as the hypothesis disclosed in FIG. 4 of the present Application. Therefore, claims 16, 18-23 and 25 are not merely directed to a mathematical abstraction, as contended by the Examiner. Accordingly, withdrawal of this

rejection is respectfully requested.

VIII. Rejection of Claims 16, 18-23 and 25 Under 35 U.S.C. §101

Claims 16, 18-23 and 25 stand rejected under 35 U.S.C. §101 because the claimed invention is preemptive.

Claim 16 (from which claims 18-23 and 25 depend) recites altering a display of confidence values of a hypothesis in real time to match an updated confidence value to each modification of a parameter. For the reasons stated above with respect to claims 1 and 26, claim 16 is directed to statutory subject matter since claim 16 recites altering a display of confidence values of a hypothesis. Accordingly, withdrawal of this rejection is respectfully requested.

IX. Rejection of Claims 16, 18-23 and 25 Under 35 U.S.C. §101

Claims 16, 18-23 and 25 stand rejected under 35 U.S.C. §101 because the claimed invention lacks utility as it is directed to a mathematical abstraction.

The Examiner failed to respond to Applicant's representative arguments regarding claims 16, 18-23 and 25 made in the previous response. Accordingly, the arguments will be reiterated. In rejecting claims 16, 18-23 and 25, the Examiner states the result of stored executable instructions recited in claim 16 (from which claims 18-23 and 25 depend) is a mathematical abstraction (See Office Action, Page 7). Applicant's representative respectfully disagrees. As stated above, claim 16 recites altering a display of a confidence value of a hypothesis of interest in real time to match an updated confidence value in response to each modification of a parameter. A confidence value (which is altered in claim 16) is not a mathematical abstraction. Instead, the confidence value represents real world results for a given hypothesis, such as the hypothesis disclosed in FIG. 4 of the present Application. Therefore, claims 16, 18-23 and 25 are not merely directed to a mathematical abstraction, as contended by the Examiner. Accordingly, withdrawal of this rejection is respectfully requested.

X.   Rejection of Claims 1-9, 12-15, 16, 18-23, 25-27, 30 and 31-34 Under 35 U.S.C. §112, First Paragraph

As noted above, claims 2 and 32 were canceled in the previous response. Accordingly, the rejection of claims 2 and 32 is now moot.

Claims 1, 3-9, 12-16, 18-23, 27-27, 30, 31, 33 and 34 have been rejected under 35 U.S.C. §112, first paragraph as Applicant's have not disclosed how to use the invention due to the lack of a specific and substantial utility.

In rejecting claims 1, 3-9, 12-16, 18-23, 27-27, 30, 31, 33 and 34 under 35 U.S.C. §112, first paragraph, the Examiner relies solely on the rejection of claims 1, 3-9, 12-16, 18-23, 27-27, 30, 31, 33 and 34 for lacking utility. Applicant's representative respectfully submits that since the rejection for lack of utility has been overcome, that this rejection should be withdrawn accordingly.

XI.   Rejection of Claim 26 Under 35 U.S.C. §102(b)

Claim 26 stands rejected under 35 U.S.C. §102(b) as being anticipated by "*Dialectic: Enhancing Essay Writing Skills with Computer Supported Formulation of Argumentation*", 1999, by Chryssafidou ("Chryssafidou"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The Examiner failed to respond arguments offered by Applicant's representative in the previous response to overcome the anticipation rejection of claim 26. Accordingly, the arguments will be reiterated. Chryssafidou does not disclose means for updating modified parameter values and means for displaying in real time in response to user input, as recited in claim 26. In rejecting claim 26, the Examiner contends that a system feedback disclosed in Chryssafidou reads on this element of claim 26 (See Office Action, Page 11). Applicant's representative respectfully disagrees. The system feedback disclosed in Chryssafidou is provided on the structure of arguments only by request (See Chryssafidou, Page 10). In contrast, claim 26 recites means for updating the modified parameters in real time. Since Chryssafidou specifically discloses the system feedback is only provided by request, Applicant's representative

respectfully submits that such a statement implies that, in contrast to the means for updating the modified parameters recited in claim 26, the system feedback disclosed in Chryssafidou is not updated in real time. Therefore, Chryssafidou does not disclose means for updating modified parameter values and means for displaying in real time in response to user input, as recited in claim 26. Accordingly, claim 26 is not anticipated by Chryssafidou, and withdrawal of this rejection is respectfully requested.

XII. Rejection of Claim 1 Under 35 U.S.C. §103(a)

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chryssafidou in view of "*An Argument-Based Agent System with KQML as an Agent Communication Language*", 2001 by Toda, et al. ("Toda"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The Examiner has errored in rejecting claim 1. In the previous response, claim 2 was not rejected as being anticipated or being made obvious by any cited art. As noted above, claim 2 was incorporated into claim 1. Moreover, as noted above, the Examiner failed to acknowledge the incorporation of claim 2 into claim 1. Thus, Applicant's representative respectfully submits that this rejection of claim 1 has been made error and should be withdrawn.

XIII. Rejection of Claim 13 Under 35 U.S.C. §103(a)

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chryssafidou in view of Murphy. Withdrawal of this rejection is respectfully requested for at least the following reasons.

As noted above, the Examiner has failed to respond to arguments made by Applicant's representative in the previous response. As noted in the previous response the rejection of claim 13 was made in error. Claim 13 depends from claim 12, and is patentable for at least the same reasons as claim 12. Since claim 12 was not rejected as being made obvious (or being anticipated) by the cited art, Applicant's representative respectfully submits that claim 13, which depends from claim 12 cannot be made obvious by the cited art either. Moreover, in rejecting

claim 13, the Examiner relies on Murphy solely for Murphy's disclosure of a Bayesian belief network (See Office Action, Page 14). However, the addition of Murphy does not make up for the aforementioned deficiencies of the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

XIV.   Rejection of Claim 14 Under 35 U.S.C. §103(a)

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chryssafidou in view of Wang. Withdrawal of this rejection is respectfully requested for at least the following reasons.

As noted above, the Examiner has failed to respond to arguments made by Applicant's representative in the previous response. As noted in the previous response, the rejection of claim 14 was made in error. Claim 14 depends from claim 12, and is patentable for at least the same reasons as claim 12. Since claim 12 was not rejected as being made obvious (or being anticipated) by the cited art, Applicant's representative respectfully submits that claim 14, which depends from claim 12 cannot be made obvious by the cited art either. Moreover, in rejecting claim 14, the Examiner relies on Wang solely for Wang's disclosure of Dempster-Shafer belief functions (See Office Action, Page 15). However, the addition of Wang does not make up for the aforementioned deficiencies of the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

XV.   Rejection of Claim 16 Under 35 U.S.C. §103(a)

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hallogram in view of Systat. Withdrawal of this rejection is respectfully requested for at least the following reasons.

The Examiner failed to respond to Applicant's arguments regarding claim 16 made in the previous response. Accordingly, the arguments will be reiterated. Hallogram taken in view of Systat does not teach or suggest altering a display of a confidence value of a hypothesis of interest in real time to match an updated confidence value in response to each modification of a

parameter, wherein the display of the confidence value comprises a qualitative display of the confidence value, such that a non-numerical quality of a node associated with the hypothesis of interest is altered to illustrate a change in the confidence value, as recited in claim 16. In rejecting claim 16, the Examiner contends that node color is a qualitative display of a confidence value via a non-numerical quality of a node that is taught in Hallogram (See Office Action, Page 16). Applicant's representative respectfully disagrees. The nodes in Hallogram are color coded by node type, which can include logic nodes, chance nodes, end nodes, decision nodes, and reference nodes (See Hallogram, page 3, "Precision Tree Nodes"). There is no teaching or suggestion in Hologram to vary the color of the node according to the confidence value or any other value associated with the node. In Hologram, the node color, along with the node shape, is employed to distinguish among node types.

Systat does not make up for the deficiencies of Hologram. The Examiner cites Systat for Systat's disclosure of spreadsheet-like data editing with operation graphing of data when it is encountered (See Office Action, Pages 16-17, citing Data Management Section of Systat). The Examiner contends that the cited section of Systat teaches updating a confidence value associated with a hypothesis of interest in response to a modification of a parameter (See Office Action, Page 17). Applicant's representative respectfully disagrees. Applicant's representative respectfully submits that the cited section of Systat does not bear any relationship whatsoever to confidence values, as contended by the Examiner. Therefore, Hallogram taken in view of Systat does not teach or suggest the system recited in claim 16. Thus, Hallogram taken in view of Systat does not make claim 16 obvious, and therefore withdrawal of this rejection is respectfully requested.

XVI.   Rejection of Claim 30 Under 35 U.S.C. §103(a)

Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over
Chryssafidou in view of Hallogram. Withdrawal of this rejection is respectfully requested for at
least the following reasons.

The Examiner failed to respond to Applicant's arguments regarding claim 30 made in the
previous response. Accordingly, the arguments will be reiterated. Chryssafidou taken in view of
Hallogram does not teach or suggest a user interface that graphically displays a plurality of
parameters, comprising respective confidence values for a plurality of hypotheses at a user
accessible display, and the user interface receives input from a user defining a value of a selected
parameter, wherein the plurality of hypotheses are displayed as colored nodes within a belief
network, and the respective confidence values being represented by at least one of the brightness,
hue and saturation of the node, as recited in claim 30. The Examiner admits that Chryssafidou
fails to teach or suggest this element of claim 30, but contends that Hallogram makes up for the
deficiencies of Chryssafidou (See Office Action, Page 18). Applicant's representative
respectfully disagrees. Hallogram does not teach or suggest alternating the color of a node
according to confidence value or any other value associated with the node. Instead, in
Hallogram, the node color, along with the node shape, is employed to distinguish among
multiple node types allowed in Hallogram.

Moreover, the Examiner contends that payoff values disclosed in Hallogram correspond
to confidence values (recited in claim 30), but the figure on Page 5 of Hallogram clearly
illustrates that all end nodes are the same shade of blue despite varying payoff values listed
beside the nodes. Thus, Chryssafidou taken in view of Hallogram does not teach or suggest a
user interface that graphically displays a plurality of parameters, comprising respective
confidence values for a plurality of hypotheses at a user accessible display, and the user interface
receives input from a user defining a value of a selected parameter, wherein the plurality of
hypotheses are displayed as colored nodes within a belief network, and the respective confidence
values being represented by at least one of the brightness, hue and saturation of the node, as
recited in claim 30. Accordingly, Chryssafidou taken in view of Hallogram does not teach or

suggest the system recited in claim 30, and therefore, Chryssafidou taken in view of Hallogram fails to make claim 30 obvious. Thus, claim 30 should be patentable over the cited art, and withdrawal of this rejection is respectfully requested.

XVII. Rejection of Claim 31 Under 35 U.S.C. §103(a)

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chryssafidou in view of Toda, and further in view of Hallogram. Withdrawal of this rejection is respectfully requested for at least the following reasons.

The Examiner failed to respond to Applicant's arguments regarding claim 31 made in the previous response. Accordingly, the arguments will be reiterated. Chryssafidou taken in view of Toda and in further view of Hallogram does not teach or suggest a user interface that graphically displays a plurality of parameters, comprising a plurality of influence parameters representing a degree of logical relatedness between respective associated first and second hypotheses, at a user accessible display and the user interface receives input from a user defining the value of a selected parameter, wherein the influence parameters are displayed as connectors between respective first nodes, representing an associated first hypotheses, and respective second nodes, representing an associated second hypotheses, and a magnitude of a given influence parameter is represented by at least one spatial dimension of the associated connector of the influence parameter, wherein the plurality of parameters comprises respective confidence values for a plurality of hypotheses, as recited in claim 31. In rejecting claim 31, the Examiner contends that Hallogram discloses this element of claim 31. Applicant's representative respectfully disagrees. To support the Examiner's finding of obviousness, the Examiner contends that branch nodes disclosed in Hallogram correspond to connectors (as recited in claim 31), and the probability value at a given branch disclosed in Hallogram correspond to influence values (as recited in claim 31). Applicant's representative respectfully submits that the Examiner has misinterpreted claim 31. It appears that the Examiner is reading the term "spatial dimension" as a property of the influence value itself (e.g., defining the dimensionality of a numerical vector), but the claim recites "at least one spatial dimension of the associated connector," which is an object displayed

by the user interface. Accordingly, in claim 31, the length or thickness of the recited spatial
dimension (e.g., lines) changes according to the magnitude of the influence value.

It is respectfully submitted that there is no difference in the spatial dimensions of the
branch nodes or any of the lines connecting the nodes in the Figure on Page 5 of Hallogram that
correspond to probability values or any other values discussed. In particular, the Figure on Page
5 of Hallogram illustrates branch nodes having different probability values, but similar
dimensions, both in the nodes themselves and the lines connecting the nodes. In fact, in
Hallogram, the only variation of the dimensions of the lines in the Figure on Page 5 of
Hallogram appears to come from the layout of the decision network, as earlier branches have
longer lines to separate the nodes in the next layer and allow room for later layers of the tree.
Where there is no issue of space, the lines appear equal in length. Thus, Chryssafidou taken in
view of Toda, and further in view of Hallogram does not teach or suggest a user interface that
graphically displays a plurality of parameters, comprising a plurality of influence parameters
representing the degree of logical relatedness between respective associated first and second
hypotheses, at a user accessible display and receives input from a user defining the value of a
selected parameter, wherein the influence parameters are displayed as connectors between
respective first nodes, representing the associated first hypotheses, and respective second nodes,
representing the associated second hypotheses, and the magnitude of a given influence parameter
is represented by at least one spatial dimension of the associated connector of the influence
parameter, wherein the plurality or parameters comprises respective confidence values for a
plurality of hypotheses, as recited in claim 31. Therefore, Chryssafidou in view of Toda, and
further in view of Hallogram does not make claim 31 obvious. Accordingly, claim 31 should be
patentable over the cited art, and withdrawal of this rejection is respectfully requested.

XVIII. Rejection of Claims 32-34 Under 35 U.S.C. §103(a)

Claims 32-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over
Hallogram. Withdrawal of this rejection is respectfully requested for at least the following
reasons.

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As stated above, claim 32 was incorporated into claim 31 in the previous response. Accordingly, the rejection of claim 32 is now moot. Moreover, as also noted above, the Examiner has failed to respond to arguments made by Applicant's representative in the previous response. As noted in the previous response, the rejection of claims 33-34 was made in error. Claims 33-34 depend from claim 31. In rejecting claim 31, the Examiner does not even contend that Hologram (by itself) makes claim 31 obvious. Thus, Applicant's representative respectfully submits that Hologram cannot make claims 32-34 obvious, since claims 33-34 depend from claim 31. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date <u>14 April 2008</u>

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